

SNELL & WILMER  
LLP  
350 SOUTH GRAND AVENUE  
SUITE 2600  
TWO CALIFORNIA PLAZA  
LOS ANGELES, CALIFORNIA 90071

SNELL & WILMER L.L.P.  
Philip J. Graves (SBN 153441)  
pgraves@swlaw.com  
Greer N. Shaw (SBN 197960)  
gshaw@swlaw.com  
Deborah S. Mallgrave (SBN 198603)  
dmallgrave@swlaw.com  
350 South Grand Avenue, Suite 2600  
Two California Plaza  
Los Angeles, CA 90071  
Telephone: (213) 929-2500  
Facsimile: (213) 929-2525  
  
Attorneys for Plaintiff  
James R. Glidewell Dental Ceramics, Inc.  
d/b/a Glidewell Laboratories

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

JAMES R. GLIDEWELL DENTAL  
CERAMICS, INC. dba GLIDEWELL  
LABORATORIES, a California  
corporation,

Plaintiff,

vs.

KEATING DENTAL ARTS, INC.,

Defendant.

Case No. SACV11-01309-DOC(ANx)

**DECLARATION OF PHILIP J.  
GRAVES IN SUPPORT OF JAMES  
R. GLIDEWELL DENTAL  
CERAMICS, INC.'S MOTION IN  
LIMINE #9 TO EXCLUDE  
TESTIMONY AND EVIDENCE  
RELATED TO SETTLEMENT  
COMMUNICATIONS AND OFFERS  
TO COMPROMISE**

Hearing

Date: January 28, 2013  
Time: 8:30 a.m.  
Ctrm: 9D, Hon. David O. Carter

Pre-Trial Conf.: January 28, 2013  
Jury Trial: February 26, 2013

AND RELATED  
COUNTERCLAIMS.

1 I, Philip J. Graves, declare as follows:

2 1. I am an attorney licensed to practice law before all courts of the State  
 3 of California and the United States District Court for the Central District of  
 4 California. I am a partner in the law firm of Snell & Wilmer L.L.P. (“Snell &  
 5 Wilmer”), attorneys of record in this action for Plaintiff and Counter-Defendant  
 6 James R. Glidewell Dental Ceramics, Inc. (“Glidewell”). Unless otherwise  
 7 indicated, I state the following of my own personal knowledge and, if called upon  
 8 to do so, I could and would testify competently to the following.

9 2. Based on my review of materials pertinent to this action, I am  
 10 informed and believe that on or about November 17, 2011, Defendant and  
 11 Counterclaimant Keating Dental Arts, Inc.’s (“Keating’s”) counsel, Mark Holland,  
 12 sent Mr. Tachner an email, with the heading “SETTLEMENT  
 13 COMMUNICATION” and “ALL EVIDENTIARY PRIVILEGES APPLY,” in  
 14 which a proposal to settle this action was made.

15 3. Based on my review of materials pertinent to this action, I am  
 16 informed and believe that, on or about February 7, 2012, Mr. Tachner sent a letter  
 17 to Mr. Holland presenting a proposal by Glidewell to settle this action.

18 4. Based on my review of materials pertinent to this action, I am  
 19 informed and believe that, on or about February 13, 2012, Mr. Holland presented  
 20 Keating’s counter-offer to settle to Glidewell.

21 5. Based on my review of materials pertinent to this action, I am  
 22 informed and believe that, on or about February 15, 2012, Mr. Tachner sent Mr.  
 23 Holland Glidewell’s counter-offer.

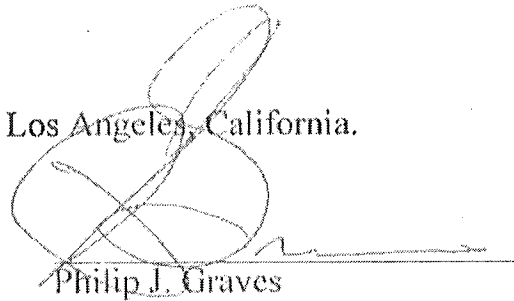
24 6. Moreover, based on my review of materials pertinent to this action, I  
 25 am informed and believe that on or about March 30, 2012, Glidewell lodged its  
 26 Confidential Settlement Statement with the Court for purposes of the Settlement  
 27 Conference only and marked it “Confidential.”

28 7. On December 27, 2012, on behalf of Glidewell, I sent a letter to

1 Keating's current counsel, Lynda J. Zadra-Symes, in which I presented a new  
2 proposal from Glidewell of terms on which to settle this action. The letter  
3 contained the heading "Confidential Settlement Communication – Inadmissible  
4 under Federal Rule of Evidence 408."

5  
6 I declare under penalty of perjury under the laws of the United States of  
7 America that the foregoing is true and correct.

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10 Executed on January 17, 2013, in Los Angeles, California.

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13 Philip J. Graves  
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***Glidewell Laboratories v. Keating Dental Arts, Inc.***  
**United States District Court, Central, Case No. SACV11-01309-DOC (ANx)**

**CERTIFICATE OF SERVICE**

I hereby certify that on January 17, 2013, I electronically filed the document described as **DECLARATION OF PHILIP J. GRAVES IN SUPPORT OF JAMES R. GLIDEWELL DENTAL CERAMICS, INC.'S MOTION IN LIMINE #9 TO EXCLUDE TESTIMONY AND EVIDENCE RELATED TO SETTLEMENT COMMUNICATIONS AND OFFERS TO COMPROMISE** the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

David G. Jankowski  
 Jeffrey L. Van Hoosear  
 Lynda J Zadra-Symes  
 Darrell L. Olson  
 Knobbe Martens Olson and Bear LLP  
 2040 Main Street, 14th Floor  
 Irvine, CA 92614

**Attorneys for Defendant Keating Dental Arts, Inc.**  
 Tel: (949) 760-0404  
 Fax: (949) 760-9502

Jeffrey.VanHoosear@kmob.com  
 David.Jankowski@kmob.com  
 Lynda.Zadra-symes@kmob.com  
 Darrell.Olson@knobbe.com  
 litigation@kmob.com

David A. Robinson  
 James Azadian  
 Enterprise Counsel Group  
 Three Park Plaza, Suite 1400  
 Irvine, CA 92614

**Attorneys for Defendant Keating Dental Arts, Inc.**  
 Tel: (949)833-8550  
 Fax: (949) 833-8540

drobinson@enterprisecounsel.com  
 jazadian@enterprisecounsel.com

Dated: January 17, 2013

SNELL & WILMER L.L.P.

By: s/Greer N. Shaw

Philip J. Graves  
 Greer N. Shaw  
 Deborah S. Mallgrave

Attorneys for Plaintiff  
 James R. Glidewell Dental Ceramics, Inc.  
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